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INDONESIA/EAST TIMOR

The Suppression of Dissent

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Front cover photograph: A human rights protester is beaten by Indonesian riot police. The victim was participating in a peaceful demonstration in Jakarta on 19 November 1991. The demonstrators were protesting against the November 1991 Santa Cruz massacre in East Timor, during which an estimated 100 people were killed by Indonesian troops.

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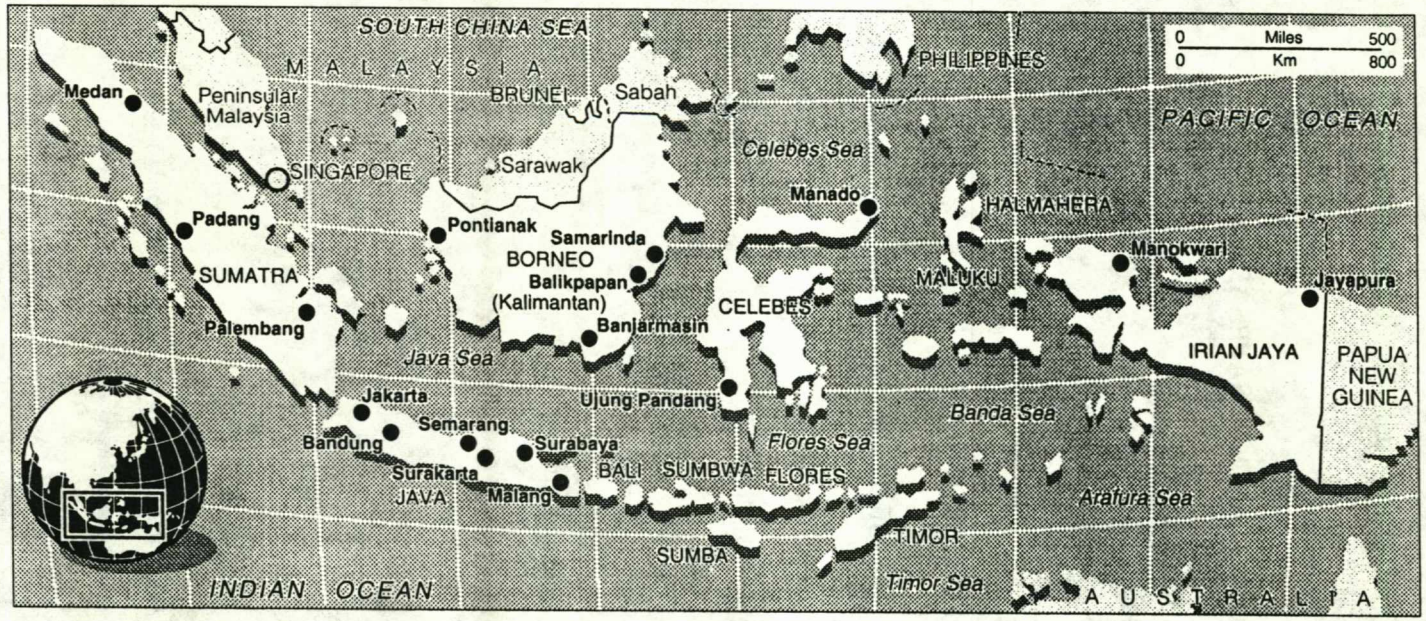

INDONESIA/EAST TIMOR
The Suppression of Dissent

1. Introduction

In November 1991, an estimated 100 people taking part in a funeral procession were shot by Indonesian troops at the Santa Cruz cemetery near Dili in East Timor. In response to strong international protest the Indonesian government insisted that the massacre was a regrettable but isolated incident, which did not "*in any way reflect the policy of the Government of Indonesia*". However, for more than 20 years Amnesty International has documented gross and systematic human rights violations not only in East Timor but throughout Indonesia. The evidence suggests that a clear and persistent pattern of human rights violations has been practised by the Indonesian authorities as a means for suppressing political dissent.

In regions where the government is combating armed opposition groups, the merest suspicion of sympathy with the opposition cause is sufficient to define individuals or their relatives as targets for "disappearance" or extra-judicial execution by the military. In Aceh and North Sumatra an estimated 2,000 civilians are believed to have been illegally killed since 1989. In East Timor, countless real or suspected political activists had been killed or "disappeared" before the Santa Cruz massacre. Hundreds of people have been arrested since 1989 in Aceh, North Sumatra, Irian Jaya and East Timor on suspicion of pro-independence activity. Many have been detained without trial for months on end. Severe forms of torture are routinely inflicted on political prisoners, sometimes resulting in death.

Peaceful protest, including demonstration against human rights violations, has been treated as "*subversive activity*" by the authorities. Those who voice even the mildest criticism of government policy have been dubbed opponents of the state. More than 150 alleged government opponents are prisoners of conscience or possible prisoners of conscience, held throughout Indonesia and East Timor. The majority are serving lengthy sentences after conviction in unfair trials. Hundreds of other political prisoners have also been sentenced to years of imprisonment in unfair trials. At least 29 political prisoners have been judicially executed since 1985, most of them elderly men who had served more than twenty years in jail for suspected membership of the Communist Party of Indonesia (PKI).

The Indonesian Government has repeatedly stated that military and police officials are punished when found guilty of human rights violations, but Amnesty International knows of only a handful of such cases. Prior to the Santa Cruz massacre all those known to have been tried were police officers accused of ill-treating criminal suspects and they had generally received light sentences. After the massacre the government announced a series of unprecedented investigative and disciplinary measures. By June 1992 a number

of officers had been dismissed or transferred from their posts and ten military men had been convicted in military courts for their actions during the massacre. However, the soldiers were tried before a military tribunal and the charges against them were primarily disciplinary, rather than criminal. None of those tried was charged with murder, only one was charged with ill-treatment and all were sentenced to short terms of imprisonment.

The government has persistently obstructed the monitoring of human rights in Indonesia and East Timor. National human rights organizations have been subject to intimidation. Individual human rights advocates have been arrested and tortured. Human rights protesters have been charged with subversion and sentenced to long terms of imprisonment after unfair trials. Access to the country by international organizations wishing to investigate human rights violations continues to be severely restricted or denied outright. Since the Santa Cruz massacre East Timor has been effectively closed to human rights investigators despite a February 1992 appeal by the United Nations Commission on Human Rights. The appeal called upon the Indonesian Government "*to facilitate access to East Timor for additional humanitarian organizations and for human rights organizations*" Despite many requests, Amnesty International has not been permitted to visit Indonesia or East Timor for more than 17 years.

The Indonesian Government has persistently failed to respond substantively to detailed reports of human rights violations. It has instead preferred to issue generalized statements about national sovereignty and to question the universality of international human rights principles. For example, In February 1992 President Suharto rejected attempts by some governments to link economic aid to human rights issues. He stated that attempts to impose human rights "*based on foreign values*" would not flourish and would constitute a "*violation of the human rights of that nation's people and the sovereignty rights of that nation*".

Amnesty International believes that the right to life is fundamental and universal. Likewise, the rights to freedom from arbitrary detention, torture or "disappearance" by state forces transcend national boundaries and apply equally to all human beings. State abrogation from responsibility to uphold these rights cannot be justified under any circumstances. Amnesty International appeals to the Indonesian Government to take decisive action to prevent human rights violations and to implement the preventive and other measures set forth at the end of this report. It believes that, if implemented, these measures would serve to protect basic human rights in Indonesia and East Timor.

2. A history of human rights violations

In 1965 President Suharto came to power after crushing a coup attempt the authorities attributed to the Communist Party of Indonesia (PKI), until then a legal political party. In the immediate aftermath of the October 1965 coup an estimated 500,000 to one million civilians were arbitrarily executed by government forces or by individuals and groups acting with their support. Those killed were alleged members of the PKI or members of its affiliated organizations.

In the same period, at least half a million suspected members or sympathizers of the PKI were detained, most of them without formal charge or trial. Many of those who were tried were sentenced on the basis of testimony extracted under torture. The trials at which they were convicted failed to meet basic international standards of fairness. Tens of thousands remained in prison until the late 1970s and today at least 34 are still in custody, seven of them elderly men awaiting execution on death row.

A quarter of a century after the alleged coup attempt by PKI members, official persecution of suspected communists has not stopped. Hundreds of thousands of former members of the PKI, and their relatives, continue to be subjected to restrictions affecting their freedom of movement and civil rights. Within the past few years a number have been arbitrarily arrested and ill-treated. Candidates for the June 1992 elections were required to undergo a political screening process to identify and disqualify possible communist sympathizers. More than 35,000 alleged former communists are still officially denied the right to vote.

Extra-judicial execution, arbitrary imprisonment and torture have continued to be practised by the authorities in dealing with political dissent, or other perceived threats to national security, however peaceful. Between 1983 and 1985, for example, government death squads summarily executed an estimated 5,000 people in various cities in Indonesia. The executions were often carried out in public places and the victims' bodies were usually left in full public view. At the time the government vigorously denied any responsibility for the so-called "*mysterious killings*" (*Petrus*). However, in 1989 President Suharto acknowledged that the killings were part of a deliberate government campaign to get rid of undesirable elements. According to the President, the summary killings were intended to act as "*shock therapy*".

Since the invasion of East Timor in 1975, Indonesian Government forces have been responsible for gross violations of human rights. In the first few years after the invasion as many as 200,000 of a population of about 600,000 East Timorese died. Many died of disease or starvation but thousands were extrajudicially executed. Hundreds of others have "disappeared" and remain unaccounted for, most assumed to

be dead. In a series of trials beginning in the mid-1980s, scores of suspected opponents of Indonesian rule in East Timor were sentenced to lengthy prison terms for subversion and other political offences. Many were tortured or ill-treated while under interrogation. Most of the tried East Timorese political prisoners have now served their sentences and have been released. However, at least six long-term political prisoners remain in custody in Jakarta and Dili. Since the Santa Cruz massacre, 13 others have been brought to trial and sentenced to prison terms of up to 15 years. One detainee has been sentenced to life imprisonment. Some or all are prisoners of conscience detained for peaceful political activity or the defence of human rights.

3. Human rights today

Severe restrictions on the rights to freedom of expression and association continue to be imposed in Indonesia and East Timor and the enforcement of such restrictions has resulted in widespread human rights violations. Virtually all forms of political dissent may be considered subversive or "*anti-government*" by the authorities and real or suspected critics of the government have been subjected to extrajudicial execution, "disappearance", torture, political imprisonment, unfair trial and the death penalty. Human rights violations are particularly prevalent in regions where the government is combating armed opposition groups, such as in Aceh, North Sumatra, Irian Jaya and East Timor. However, university professors, Islamic scholars, students and others in many regions of the country are among those who have been subjected to arrest, torture and arbitrary detention.

3.1 Political Killing and "disappearance"

In regions of armed conflict, a persistent pattern of politically-motivated murder and "disappearance" of unarmed civilians has emerged. People suspected of sympathizing with the opposition have been mercilessly tortured and killed; others have been detained in military or police premises before "disappearing". Intensive military surveillance in Aceh, North Sumatra and East Timor, combined with the risk of torture or death, have resulted in a climate of fear, in which many residents are afraid to speak out against human rights abuses.

In Aceh and North Sumatra government efforts to suppress *Aceh Merdeka* (also known as the Aceh Sumatra National Liberation Front), an armed opposition group seeking the independence of Aceh and parts of Sumatra from Indonesia, have resulted in the extra-judicial execution of an estimated 2,000 civilians since 1989. In East Timor, countless real or suspected political activists had been killed or "disappeared" in the

years before the Santa Cruz massacre. In Irian Jaya members of the armed secessionist *Organisasi Papua Merdeka* (OPM), the Free Papua Organization, are also believed to have been extra-judicially killed by the military, including at least one political prisoner who may have been killed while in custody.

3.1.1 Aceh and North Sumatra

Since late 1989 extrajudicial killings have been committed in the course of military counter-insurgency operations to suppress *Aceh Merdeka* The government has acknowledged "*security disturbances*" in the region but has also said that accusations of human rights violations in Aceh, are "*pure inventions...launched with the intention of discrediting the Republic of Indonesia in the eyes of the international community.*"

Despite severe restrictions on access to the region, which have impeded full and effective monitoring of the human rights situation, information from a range of sources, including national and international press, human rights lawyers, religious leaders and Acehnese villagers, indicates that extra-judicial killing, "disappearance" and torture are widespread and that anyone suspected of sympathy with *Aceh Merdeka* may be at risk. Many of the victims appear to have been civilians resident in areas where *Aceh Merdeka* is believed to be active. Amnesty International has also received reports of some human rights abuses committed by *Aceh Merdeka*. Amnesty International unreservedly condemns such abuses, but believes that the actions of armed opposition groups can never justify human rights violations by government forces.

During 1990 villagers in Aceh and North Sumatra reportedly found scores of unidentified corpses, some of them still blindfolded and with hands and feet bound, in shallow graves, ditches and rivers. According to reports many of the corpses bore signs of torture and had bullet wounds in the head. In October 1990 the Indonesian weekly, *Tempo*, provided details of eight people who had been found dead in plantations and along the roads in North Sumatra and Aceh. Some of the bodies were said to have had mutilated genitals or no ears. In November 1990 a senior military doctor reportedly stated that more than 1,000 people had been killed between late 1989 and late 1990. In the same month villagers in the Aluemira district discovered a mass grave containing approximately 200 bodies. Reports from numerous sources indicate that the killings had been perpetrated by members of the Indonesian security forces.

In May 1991 eyewitnesses reported that five people were shot dead in public by Indonesian soldiers in the town of Sigli. The victims were reportedly suspected rebels arrested by the military. None had been charged or tried. A local official reportedly said: "*you have to understand, they were rebels, they were in the wrong.*" Government

representatives denied that the executions took place and claimed that the victims were "*GPK members*"[1] who died after a gunfight. However, no report of the government's "*examination*" of the incident has been made available.

Throughout 1990 and 1991 there have been persistent reports of arbitrary arrest and "disappearance" of those suspected of sympathizing with *Aceh Merdeka*. In August 1990, 28-year-old **Mohamad Jafar** was arrested on suspicion of helping the rebels. Eyewitnesses said they saw him being beaten with wooden sticks and electric cable, blindfolded and loaded into a car. His fate and whereabouts remain unknown.

Scores of people have reportedly been arrested during the night and taken to detention centres in a number of locations including Sigli, Llokseumawe, Rantjong, Langsa and Medan. Some of those arrested in this way subsequently "disappear" from their cells and are feared to have been extra-judicially executed. In a letter to Amnesty International a prisoner detained in October 1990 (name withheld on request), related that on 4 March 1991 **Drs. Mahdi Yusuf**, **Amiruddin**, **Abdullah Ibrahim**, **Idris Ishaq** and **Ibrahim Hasar** were taken from Banda Aceh Prison and were not seen again. All were said to have been severely tortured and two were paralysed, apparently as a result of torture.

In April 1991 a religious leader **Teuku Achmad Dewi** reportedly went to Aluemira to collect the body of his brother, a suspected rebel. Upon arrival he got into an argument with military officials, who then shot him in the head and chest. A journalist who attempted to investigate this report was told by villagers: "*we don't know where he is, if you ask anyone here they won't know and if anyone asks you, say you don't know either*". The fate and whereabouts of Teuku Achmad Dewi remain unknown.

3.1.2 East Timor

Since the Indonesian annexation of East Timor in 1975 thousands of people are believed to have been illegally killed or "disappeared". At least 30 people, and possibly many more, were apparently extra-judicially killed by Indonesian security forces in 1990 and early 1991. Among the reported victims was **Kasa Bui**, a 30-year-old woman from the Viqueque district. She was reportedly raped, killed and dismembered by members of the 509th Battalion on 29 August 1990. In January 1991, **Eurosio da Silva Alves**, aged 15, is believed to have been detained, tortured and killed by Indonesian soldiers.

[1] GPK is the acronym for *gerombolan pengacau keamanan* or "gang of public security disturbers", an official term for members of independence movements.

Military tactics for dealing with political dissent in the territory were most recently and shockingly portrayed by film footage of the 12 November 1991 Santa Cruz massacre. During the massacre government troops opened fire on a crowd of people in a peaceful procession, killing at least 100 people and wounding many more. Many of the victims were students and other young people, shot while attempting to flee. Others were beaten and stabbed as they took refuge in the Santa Cruz cemetery.

The procession had begun with a memorial mass for **Sebastião Gomes Rangel**, killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.[2] After the funeral mass participants walked through the streets of Dili to the Santa Cruz cemetery. During the procession students unfurled banners proclaiming support for East Timorese independence and appealing to the United Nations.

When the crowd arrived at the gates of the cemetery, hundreds of soldiers approached on foot from one direction, while a smaller group arrived in trucks from another. According to eyewitnesses the foot soldiers marched to the entrance of the cemetery, formed a line and, without warning, opened fire on the crowd. Eyewitnesses to the massacre have explicitly refuted military claims that the soldiers were disobeying orders or opened fire in response to provocation. One eye-witness said: "*It was a case of a planned and systematic massacre...this was a very disciplined operation. This was not a situation where you have some hothead who ran amok*". One day after the massacre General Try Sutrisno, Commander of the Armed Forces, told the press that participants in the procession had "*spread chaos*" by unfurling posters. He declared: "*These ill-bred people have to be shot...and we will shoot them*".

Government and military officials initially announced that "*only 19*" people had been killed during the massacre and said that soldiers had been provoked by a "*riotous mob*". An official Commission of Inquiry later revised this figure to "*about 50*", a figure which remains lower than that indicated by eyewitness testimony and other reports. The Commission also said that some 90 people remained missing in December 1991. In early 1992 President Suharto ordered General Try Sutrisno, Commander of the Armed Forces, to investigate the fate of the "disappeared". Reports received from East Timor in June 1992 indicate that the military investigation has made little progress in locating the 90

[2] Military officials in East Timor have denied that Sebastião Gomes Rangel was killed by government forces, claiming instead that he died during a brawl between pro and anti-integrationist youths. Information from unofficial sources suggests that the "pro-integrationists" were in fact military intelligence agents or informers. In April 1992 five East Timorese were charged with acts of violence leading to the death of a "pro-integrationist" also killed during the incident. To date there is no indication that the suspected killers of Sebastião Gomes Rangel have been brought to justice.

officially acknowledged victims of "disappearance". Residents have reported that the bodies of some are buried outside Dili. They believe the army is reluctant to open the graves because the number of dead is much higher than that officially announced.[3]

3.1.3 Irian Jaya

In May 1990 government security forces on the island of Biak reportedly shot and beheaded a man they suspected of being a member of the OPM. Eyewitnesses said that soldiers shot **Soleman Daundi**, aged 22, shortly after he surrendered to local authorities in Napdari village on 13 May. The soldiers reportedly cut off his head and carried it with them to the local military headquarters at Wardo, displaying it in Sarwa and more than a dozen other villages along the way. Soleman Daundi had apparently been involved in a flag-raising ceremony in Sopen in December 1989.

Melkianus Salosa was sentenced to life imprisonment for subversion in March 1991 after being forcibly returned to Indonesia by the Government of Papua New Guinea. In August he was found dead outside the military prison where he had been held. Military authorities said that he had died of exposure after escaping from the prison. Amnesty International had received reports that Melkianus Salosa had been badly beaten while in military custody. According to one report, Melkianus Salosa's fingernails and toenails were pulled out, several of his teeth were knocked out and he had sustained bruises to the face. Amnesty International believes he may have been tortured and extra-judicially executed. It is not aware of any official investigation into the death of Melkianus Salosa.

3.2 Unfair political trials

Available evidence strongly indicates that political trials in Indonesia and East Timor fail to meet international standards of fairness. This is particularly true when the defendants have been charged under the vaguely-worded Anti-Subversion Law, which carries a maximum penalty of death, and under which even the minimum guarantees and safeguards contained in Indonesia's Criminal Code may be suspended. Suspects charged under the Anti-Subversion Law may be held for apparently indefinite periods in pre-trial detention and denied access to relatives, lawyers or doctors.

[3] Amnesty International has documented the Santa Cruz massacre and the government's response to it in the following reports: *East Timor: The Santa Cruz Massacre*, 14 November 1991; *East Timor: After the Massacre*, 21 November 1991; *Indonesia/East Timor: Santa Cruz - The Government Response*, February 1992; *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992.

The sweeping language of the Anti-Subversion law makes it possible for virtually any act, word or even intention to be construed by the prosecutor and the court as subversive.[4] For example, in February 1992, Attorney General Singgih reportedly stated that East Timorese charged with subversion for organizing peaceful demonstrations before and after the Santa Cruz massacre "*had conceptually engaged in actions against the government and not only in the November 12 incident*". In practice people charged with subversion appear to be presumed guilty and are, almost without exception, convicted by the courts.

In the past two years several political prisoners have been convicted on the basis of uncorroborated confessions and testimony reportedly extracted under torture. Observers have noted that some prisoners have arrived in court bearing signs of torture and on occasion have been unable to walk unaided.

Drs Adnan Beuransyah, a journalist with the paper *Serambi Indonesia*, was brought to trial in March 1991. At his trial he described in some detail the torture inflicted upon him during interrogation by regional military officials in August 1990. In particular he recounted that he was forced to sign an interrogation deposition:

> "*...My hair and my nose were burned with cigarette butts. I was given electric shocks on my feet, genitals and ears until I fainted...I was ordered to sit on a long bench facing the interrogator. I was still blindfolded and the wire for electric shocks was still wound around my big toes. If I said anything they didn't like they'd turn on the current. This went on until about 8am, meaning I was tortured for about eight continuous hours.*
>
> *On the third night I was tortured again...My body was bruised and bloodied and I had been beaten and kicked so much that I coughed up blood and there was blood in my urine...It continued like this until I signed the interrogation deposition.*"

Drs Adnan Beuransyah told the court that, during a pre-trial examination by the state prosecutor, he attempted to retract the deposition signed under torture and to deny any association with *Aceh Merdeka*. However, the prosecutor reportedly refused to permit the retraction and threatened the defendant with return to the detention centre where he had been tortured. Drs Adnan Beuransyah asserted that the deposition presented to the court was virtually identical to that extracted under torture. Drs Adnan Beuransyah was sentenced to eight years' imprisonment in May 1991. The sentence was increased on appeal to nine years.

[4] Extracts from the Anti-Subversion Law are provided in Appendix I of this document.

Two prisoners of conscience, both students from the Bandung Institute of Technology remain in prison after being sentenced to three-year terms in February 1990 for insulting the Minister of Home Affairs. The authorities initially charged six students after a demonstration at which they had allegedly held banners critical of government policy and shouted "*down with Rudini*". During the trial the students' defence lawyers reportedly received death threats, which they attributed to military sources, after stating publicly that some of the prisoners had been illegally detained and ill-treated while in custody. Appeals by the six were dismissed by the Supreme Court in December 1990. In September 1991 the government announced the conditional release of four of the students.

Defendants are frequently held incommunicado for several months before being charged or tried, and denied access to legal counsel of their choice. The language used in trial proceedings is not always properly understood by defendants and witnesses. Public access to trial documents and proceedings in subversion cases is strictly limited. Defence lawyers are often prevented from communicating with their clients at the pre-trial stage. Efforts by human rights lawyers to circulate information about political trials have been subjected to restrictions, or the reports banned outright, by the authorities.

3.3 Torture and ill-treatment

Torture or ill-treatment of political detainees is widespread in Indonesia and has sometimes resulted in death. Torture is used routinely to extract confessions from suspects and witnesses. It is inflicted upon detainees to obtain political and other information or to intimidate suspected political activists, their colleagues and their relatives. Those responsible for the torture of political detainees are usually military officials; incidents of torture and ill-treatment are reported to have taken place at virtually every level of the military command structure. Torture and ill-treatment have also been inflicted on detainees by members of the paramilitary police force, *Brimob* (Mobile Brigade).

In recent years scores of cases of torture and ill-treatment of political detainees in Aceh, East Timor, Irian Jaya and Java have been documented. Forms of torture and ill-treatment include: electrocution; slashing with razor blades and knives, including inside the mouth; beating on the head, shins and torso with fists, batons, iron bars, bottles, rocks and lengths of electric cable; sexual molestation and rape; kicking with heavy military boots; burning with lighted cigarettes; threats and deliberate wounding with firearms; immersion for long periods in fetid water, isolation and sleep deprivation.

In Aceh and North Sumatra hundreds of suspected supporters of *Aceh Merdeka* are reported to have been tortured or ill-treated. The majority of reports have come from the northeastern districts of Pidie, North Aceh and East Aceh. However, other suspected rebels or sympathizers have been detained and tortured in the districts of Aceh Besar, Aceh Tengah and in the northern part of North Sumatra. Suspected rebels arrested in Aceh have also been transferred to military installations and *Brimob* detention centres in Medan, the capital city of North Sumatra for interrogation and reportedly suffered torture there.

According to one prisoner, detained in late 1990 in *Gaperta* (the colloquial term for the regional military headquarters in Medan), most suspected rebels were beaten during interrogation and at least six people had died there as a result of torture. Another prisoner, **Syaifulah**, was held between September 1990 and February 1991 at the *Brimob* headquarters in Medan. Witnesses said he was kicked and beaten, stripped naked and had his genitals squeezed with metal pliers while detained in February. He then "disappeared".

In mid-1991 yet another prisoner, **Abbas** was reportedly beaten with a thick electric cable while being questioned at the *Brimob* headquarters in Medan. He had also been forced to squat with a length of wood placed behind his knees and a second prisoner sitting on his shoulders. Witnesses said that one of his legs broke during the torture and that the rest of his body was black and blue. After a brief period in the *Brimob* infirmary he was flown to Llokseumawe, apparently to identify other suspected *Aceh Merdeka* members, before being returned to the *Brimob* camp on 8 September 1991. About a week later, Abbas and several others were reportedly taken to *Gaperta*, their hands tied and their eyes taped shut. A detainee who saw Abbas in November said that he had a festering wound on one leg and was unable to talk, only nodding or shaking his head in reply to questions. The current circumstances of Abbas are unknown.

In East Timor a pattern of short term detention, torture and ill-treatment of alleged political opponents continues to be reported. One person, who managed to hide in the Santa Cruz cemetery during the massacre of 12 November, told journalists that when soldiers discovered he and his friends they were made to strip naked. He said he was beaten with a wooden club then one of the soldiers grabbed hold of a ballpoint pen and thrust it into his penis. He and about 30 others were then reportedly taken to an office where they were again beaten and kicked by soldiers while being interrogated about which of their friends had taken part in the demonstration.

Another said:

"I was tortured in the cemetery. Then I was taken to an office and they beat me again there...I was only at that office for about three hours because I was severely wounded and was taken to Wira Husada Hospital. There were many other victims there and...there were buckets full of water mixed with blood; the water had been used to wash the wounded and the dead. One of the [soldiers] ordered me and some others to drink the water in the buckets. They pushed our heads into them and told us to drink straight from the buckets. When we refused to do so, they struck us with their weapons. We were all still naked, including three injured women and one who had been shot in the thigh"[5]

After the Santa Cruz massacre scores of suspected political activists, including many young people and Catholic priests, have been subjected to imprisonment, death threats and beatings. One priest, **Hilario Madeira**, and his travelling companion were reportedly detained for two days by Indonesian security forces in Bali, during a journey from Java to East Timor in early November. Soldiers are said to have pointed automatic weapons at the two and repeatedly threatened them with death while interrogating them about their alleged political activities. Reports received in June 1992 indicated that harassment of Father Madeira has continued and there are fears for his safety.

3.4 Prisoners of conscience

More than 150 prisoners of conscience and possible prisoners of conscience are imprisoned in Indonesia and East Timor. Advocates of independence in Aceh, Irian Jaya and East Timor are among the most vulnerable to arrest and imprisonment on charges of subversion, however peaceful their activities. Others imprisoned throughout the country include university professors, Islamic scholars and students engaging in discussions of banned literature. The majority have been charged under the sweeping Anti-Subversion Law and many have been sentenced to long terms of imprisonment after conviction in unfair trials. Others have been charged and sentenced under Articles 154 and 155 of Indonesia's Criminal Code, which define the "*public expression of hatred...toward the government*" as a criminal offence.

[5] These accounts of torture and ill-treatment were related to journalists from the Indonesian weekly magazine *Jakarta Jakarta* after members of the official government Commission of Inquiry had left Dili. Following publication of these and other accounts in January 1992, the journalists were dismissed from their posts, apparently as a result of instructions from government authorities.

3.4.1 Aceh and North Sumatra

Since 1991 at least 35 people have been accused of subversion for supporting *Aceh Merdeka* and sentenced to prison terms of up to 20 years. Some or all may be prisoners of conscience. **Drs Nurdin Abdurrahman**, a lecturer at the University of Syiah Kuala, was arrested in October 1991 and accused of attending meetings at which an *Aceh Merdeka* leader was present. He was brought to trial in May 1992 and sentenced to nine years' imprisonment, but the sentence was increased to 13 years upon appeal. **Hasbi Abdullah**, a lecturer at the same university, was accused of attending "clandestine meetings" in 1990. At the meetings non-violent means of generating international pressure for an independent Acehnese state were discussed. Hasbi Abdullah was sentenced to 14 year's imprisonment at a trial which reportedly failed to meet basic international standards of fairness.

3.4.2 East Timor

Since the Santa Cruz massacre in November 1991 the government has stated that those who organized or took part in the procession to the Santa Cruz cemetery "*provoked*" the massacre by their "*provocative belligerence*". The official Commission of Inquiry, set up to investigate the events of 12 November, further concluded that "*action must be taken against all those who were involved in the 12 November Dili incident*". The statement appears to have been designed to include those who organized and took part in the peaceful political procession to Santa Cruz cemetery and those who organized a peaceful protest march in Jakarta one week later.

Fernando de Araujo and **João Freitas da Camara**, who organized the Jakarta protest, were arrested on 19 November at the march. They were brought to trial, convicted of subversion and sentenced to nine and 10 years' imprisonment respectively in May 1992. Amnesty International considers both to be prisoners of conscience. In Dili, **Francisco Miranda Branco** was sentenced to 15 years' imprisonment in June 1992 and, on 30 June, **Gregorio da Cunha Saldanha** was sentenced to life imprisonment. Both were charged with subversion for organizing the funeral procession - described by the government as an "*anti-integrationist*" demonstration - which preceded the massacre. Amnesty International believes that both may be prisoners of conscience detained solely for non-violent political and human rights activities.

At least nine other East Timorese have been imprisoned because they joined the Santa Cruz procession or the Jakarta protest. They have been charged with "*public expression of hatred...of the government*". By June 1992 three of the detainees had been sentenced to prison terms ranging from six months to almost seven years.

3.4.3 Irian Jaya

On 14 December 1988 some 60 people were arrested after a peaceful ceremony during which a flag had been raised to proclaim an independent state of "West Melanesia".[6] After the flag-raising a prayer was to have been offered by participants, but this was prevented by the arrival of military forces. Soldiers loaded all those present onto trucks and drove them to a military camp for interrogation. Thirty seven people were subsequently charged with subversion, although there were no allegations that any member of the group used or advocated violence.

Dr Thomas Wainggai, who led the flag-raising ceremony, was found guilty of subversion and sentenced to 20 years' imprisonment in September 1989. His crimes were said to include harbouring feelings of antipathy toward the Indonesian state, conceiving the idea of a West Melanesian state and gathering people to implement his plan. Amnesty International considers him to be a prisoner of conscience. One year later, in December 1989, an estimated 300 people were detained for questioning after they had gathered to commemorate the first anniversary of the independence of "West Melanesia". At least 30 were later charged with subversion. By June 1992 more than 80 prisoners of conscience had been convicted of subversion for peacefully advocating the independence of Irian Jaya.

3.4.4 Islamic activists

An estimated 300 Islamic activists are believed to be serving sentences of up to life imprisonment for subversion in Indonesia. Amnesty International considers at least 50 of them to be prisoners of conscience, held for the non-violent exercise of their religious beliefs. Many have been convicted of involvement with *usroh* groups, which advocate closer ties among Muslims and stricter adherence to Muslim teachings. Others were sentenced in 1989 and 1990 after being accused of undermining the state ideology *Pancasila* and attempting to establish an Islamic state.

Mahasin Zaini, aged 31, was a student of social and political science at the University of Gajah Mada in Yogyakarta. He was arrested in 1986 and accused of involvement with the *usroh* movement. He was said to have founded a Muslim organization dedicated to establishing a Muslim state and to have delivered subversive

[6] Indonesian control over Irian Jaya was established in 1963. Since then there has been both peaceful and armed opposition to integration with Indonesia. Some groups have sought complete independence for what they refer to variously as "West Papua" or "West Melanesia".

lectures at Islamic training sessions in Central Java during 1985. Mahasin Zaini was charged with subversion and brought to trial in February 1987 before the Banyumas District Court. Mahasin Zaini was convicted in March and sentenced to 12 years' imprisonment. The sentence was reduced on appeal to nine years by the High Court of Central Java. Amnesty International considers him to be a prisoner of conscience.

3.4.5 Students

Critical discussion of political affairs, and the possession or exchange of documents dealing with prohibited ideologies such as Marxism, have been considered "subversive activity" by the Indonesian Government. At least seven students are currently imprisoned for terms of up to eight and a half years for their involvement in such activities. Amnesty International considers all to be prisoners of conscience, detained solely for the exercise of their rights to freedom of opinion, expression and association.

Four students were arrested in May 1992 after publicly suggesting that the Indonesian electoral process was unfair. **Poltak Ika Wibowo, Lukas Luwarso, Hari Sutanto** and **Dwi Sugianto** were arrested during a "National Awakening Rally" organized by the Semarang Students Forum. At the rally students criticized the fairness and validity of the electoral process in Indonesia and urged for an electoral boycott (*Golput*)[7]. The rally, at which a comedy theatre show was staged, was apparently held under surveillance by military officials and before it had dispersed members of the security forces dressed in civilian clothes forcibly removed the four alleged "*ringleaders*".

Two of the students, Poltak Ika Wibowo and Lukas Luwarso were subsequently reported to have been charged under articles 154 and 155 of Indonesia's Criminal Code with "*public expressions of hatred...toward the government*". A government official, quoted in the official press, said that those who tried to influence others not to vote "*could be categorized as undermining the authority of the government and therefore subversive*". The other detainees, Hari Sutanto and Dwi Sugianto, were conditionally released on 21 May.

Bambang Isti Nugroho, a student at Gajah Mada University, Yogyakarta, was arrested on 20 June 1988. He was accused of possessing banned Marxist-Leninist literature and of holding illegal discussion meetings. In 1989 he was convicted of subversion and sentenced to eight years' imprisonment. Another student, **Bambang**

[7] *Golput* is an acronym for *Golongan putih*, literally "blank group". A *Golput* vote may be a blank vote, a spoiled ballot paper, or refer simply to staying away from the election.

Subono, was tried during the same year and sentenced to a seven-year term. He had been arrested for leading an informal study circle and possessing various books banned by the government because of their alleged communist content. The banned books included novels by the Indonesian author, Pramoedya Ananta Toer.[8]

Bonar Tigor Naipospos, a post-graduate student of political science at the Gajah Mada University, was arrested in Jakarta in June 1989. In 1990 he was sentenced to eight and a half years' imprisonment after an apparently unfair trial. He was convicted of subversion for possessing and distributing literature said to contain communist ideas, and for disseminating Marxist teachings in discussion groups and through his own writings. At the trial the prosecutor also stated that he had circulated the works of Pramoedya Ananta Toer. In August 1991 the Supreme Court upheld the sentence.

3.4.6 Real and suspected members of the Communist Party (PKI)

More than 30 political prisoners, accused of involvement with the 1965 coup attempt or of membership of the PKI, remain in prison. Seven of these prisoners are on death row. The prisoners were arrested in the late 1960s and are mostly elderly. **Dr Subandrio**, a 77-year-old former Foreign Minister arrested in March 1966, was sentenced to death for subversion by an Extraordinary Military Court in October 1966 and denied a right of appeal. He is serving a life term following the commutation of his death sentence in December 1980. **Pudjo Prasetio**, a 62-year-old former trade unionist, was convicted of subversion in 1979 and sentenced to life imprisonment. A prisoner of conscience, his appeal for presidential clemency was rejected in March 1991. Amnesty International learned in May 1992 that another political prisoner, **Johannes Sucipto**, had died during his 26th year of imprisonment.

3.4.7 Prisoners released since 1991

Ten political prisoners, six of them prisoners of conscience, have been released since 1991. All had been sentenced after unfair trials. **Drs Susilo**, a veterinary surgeon accused of belonging to the PKI, was released in April 1991 after serving 23 years for subversion. Two other political prisoners, **Rewang** and **Marto Suwandi**, were released in July 1991. They had been detained arbitrarily for more than three years after completing their sentences. **Professor Dr Oesmany al Hamidy** and **Hasan Kiat**, sentenced to six and seven years respectively in 1986 for delivering "seditious" sermons,

[8] Pramoedya Ananta Toer was himself imprisoned between 1965 and 1979 and was adopted by Amnesty International as a prisoner of conscience.

were released in August 1991. A prisoner of conscience from East Timor, **David Dias Ximenes**, was released at the same time after serving a 15-year sentence for his alleged links with *Fretilin*, an armed opposition group seeking independence for East Timor. **Paulina Wainggai**, sentenced to two years' imprisonment in 1989 for taking part in the peaceful flag-raising ceremony in Irian Jaya, was released in 1991. Two other Irian Jaya prisoners, **Amos Jitman** and **Alence Kareni** were released during the first half of 1992.

3.5 The death penalty

The Indonesian Government has used the death penalty with increasing frequency in recent years, primarily against political prisoners. At least 29 prisoners have been executed since 1985, compared with four in the previous ten years. Twenty-two of the 29 were sentenced to death for their alleged involvement in the alleged coup attempt of 1965 or for membership of the PKI. Five were Muslim activists convicted of subversion and violent crimes, and two were criminal offenders accused of murder. At least 33 people were on death row at the end of June 1992, eight of whom may be in imminent danger of execution. They include seven elderly men sentenced for alleged involvement in the 1965 coup attempt or for membership of the PKI.

Executions of political prisoners have taken place many years after the original verdict was handed down by the courts. Four political prisoners were executed in February 1990, more than 24 years after they had been imprisoned. The four had been members of the elite *Cakrabirawa* presidential security guard attached to former President Sukarno. In February 1991 **Azhar bin Muhammad Safar**, an Islamic activist sentenced to death in 1982 for subversion and alleged involvement in an aircraft highjacking, was executed by firing squad. In both cases the authorities claimed that the executions could not have been carried out before the appeals process had been completed. However, the timing of such executions suggests they are often intended to convey a message to society at large of government resolve in dealing with perceived threats to state policy and practice.

4. Conclusion

The Indonesian Government has repeatedly stated that it does not tolerate human rights violations. Yet it has failed to conduct full and public investigations into hundreds of reports of extra-judicial killing, "disappearance" and torture, and it has singularly failed to bring the perpetrators of such violations to justice. In recent years a number of police officials are believed to have been convicted for ill-treating criminal suspects and sentenced to short terms of imprisonment. Virtually no action has been taken against

those accused of torturing political detainees and no judicial action is known to have been brought against members of the military forces in Indonesia.

Despite official assurances that disciplinary measures have been taken against members of the security forces found guilty of human rights offences in East Timor, Amnesty International knows of no police or military officials convicted for any serious human rights offence before the Santa Cruz massacre. After the massacre, in an important and unprecedented initiative, ten members of the security forces were brought to justice for their actions during the massacre. However, the soldiers were tried before a military tribunal and the charges against them were primarily disciplinary rather than criminal, referring to offences, such as the "*failure to obey orders*". The sentences imposed ranged from eight to 18 months. Despite at least 100 killings and substantial evidence of torture during and after the massacre, no member of the security forces has been charged with murder and only one defendant, a police corporal, was charged with ill-treatment under Article 351 of the Criminal Code. He was accused of cutting off the ear of a demonstrator and sentenced to 17 months' imprisonment.

Experience has shown that principled statements of commitment do not in themselves suffice to protect human rights. Acts such as extra-judicial execution and torture must be explicitly prohibited by law and punishable by appropriate penalties which take into account the seriousness of such offences. If those who violate human rights can do so with impunity, they inevitably come to believe they are beyond the reach of the law. By failing to ensure that reports of human right violations are fully investigated, and that those who commit such violations are properly brought to justice, governments effectively condone the actions of the perpetrators. In so doing governments may directly contribute to the perpetuation of a pattern of violations.

4.1 Recommendations to the Government of Indonesia

The suppression of political dissent in Indonesia and East Timor has long included the perpetration of state-sanctioned acts of violence, including murder, "disappearance", torture and arbitrary detention. Amnesty International believes that concrete steps must be taken to address this human rights crisis. It offers a number of recommendations which it believes would, if implemented, contribute toward the future protection of basic human rights in Indonesia and East Timor.

The recommendations set forth below are based on the principles and standards enshrined in international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The Government of Indonesia

has yet to accede to the ICCPR. The government signed the CAT in 1985, thus expressing its intention to become a party to the convention as soon as feasible.

Some of the recommendations are also based on standards set out in the following United Nations (UN) instruments: The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the UN General Assembly in December 1988; and The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in May 1989.

To prevent the occurrence of extra-judicial execution, Amnesty International urges the Indonesian Government to:

1. prohibit by law all extra-legal, arbitrary and summary executions and ensure that any such executions are recognized as criminal offences and are punishable by appropriate penalties which take into account the seriousness of such offences;

To protect detainees against torture, other ill-treatment or "disappearance", Amnesty International urges the government to:

2. establish and maintain centralized public registers of all people detained in all parts of the country, to be updated on a regular basis and made available to detainees, family and lawyers;

3. ensure that all detainees, including those held for suspected national security offences, are permitted prompt and regular access to legal counsel of their choice and to doctors and relatives;

4. prohibit explicitly by law, all forms of torture and other cruel, inhuman or degrading treatment or punishment; ensure that all such acts are recognized as criminal offences and are punishable by appropriate penalties which take into account the seriousness of such offences;

5. take all necessary steps, including the effective enforcement of existing legislation and the introduction of further legislation, to ensure that statements extracted under torture cannot be admitted as evidence during legal proceedings, except against a person accused of torture as evidence that the statement was made;

To ensure that national security legislation is not and cannot be invoked to detain, or justify execution of, people for the peaceful exercise of their right to freedom of expression, Amnesty International urges the government to:

6. conduct a thorough review of all legislation pertaining to national security; ensure that such legislation refers only to recognizably criminal offences and does not violate the rights to freedom of opinion, belief, expression or association;

7. release immediately and unconditionally all those held solely for the non-violent expression of their political or religious views;

8. ensure that political detainees are charged only with recognizably criminal offences and are given a fair trial within a reasonable time;

9. take immediate steps toward the abolition of the death penalty, including the suspension of its application and commutation of all sentences currently imposed;

To ensure that members of the security forces do not commit human rights violations with impunity, Amnesty International urges the government to:

10. establish an independent and impartial body whose duty is to initiate prompt and thorough investigations into all reports of human rights violations; such a body should be granted the necessary authority and resources for this task, including the power to begin an investigation on its own initiative, or to do so on receipt of a complaint by or on behalf of an alleged victim;

11. ensure that all human rights investigations determine individual and collective responsibility and provide a full account of the truth to the victim, their relatives and society; ensure that the results of all such investigations are made public;

12. bring to justice before a civilian court all members of the security forces suspected of committing human rights violations;

13. ensure that all those suspected of committing human rights violations are immediately disarmed and removed from active service;

In view of the gravity of the human rights violations in East Timor, Amnesty International urges the government to:

14. permit a full investigation of the Santa Cruz massacre and its aftermath to be carried out under the auspices of the United Nations.

15. respond to the appeal made by the UN Commission on Human Rights in February 1992 to "*facilitate access to East Timor for additional humanitarian organizations and for human rights organizations*".

In view of continuing reports of serious and widespread violations in the regions of Aceh and North Sumatra, Amnesty International urges the Indonesian Government to:

16. invite the UN Special Rapporteur on summary or arbitrary executions to visit Aceh and North Sumatra in order to conduct a full investigation of the human rights situation there;

17. invite the UN Special Rapporteur on torture to conduct a follow-up visit to Indonesia to assess implementation of the recommendations set out in the report of his November 1991 visit; permit him to travel freely throughout the country and in particular to visit Aceh and North Sumatra;

To demonstrate commitment to the protection of human rights; and to encourage the full and effective implementation of human rights safeguards, Amnesty International urges the government to:

18. ratify or accede to the International Covenant on Civil and Political Rights (ICCPR), as well as the (first) Optional Protocol of the ICCPR, which permits the Human Rights Committee to receive individual complaints;

19. ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and recognize the competence of the UN Committee against Torture to receive individual complaints (article 22), and to hear inter-state complaints (article 21);

20. permit the free and regular monitoring of human rights in Indonesia and East Timor by national and international humanitarian and human rights organizations.

APPENDIX I

The 1969 *Anti-Subversion Law No. 5* is based on *Presidential Decree No. 11, 1963 on Eradicating Subversive Activities*.

The following are extracts from Presidential Decree No. 11:

Article 1

(1) The following shall be convicted of having engaged in subversive activities:

1. anyone who has engaged in an action with the purpose or clearly with the purpose, which is known to him or can be expected to be known to him, that could:

   a. distort, undermine or deviate from the ideology of the *Pancasila* State or the broad policy lines of the State, or

   b. overthrow, destroy or undermine the power of the State or the authority of the lawful government or the machinery of the Sate, or

   c. disseminate feelings of hostility or arouse hostility, cause splits, conflicts, chaos, disturbances or anxiety among the population or broad sections of society or between the State of the Republic of Indonesia and a friendly state...

APPENDIX II

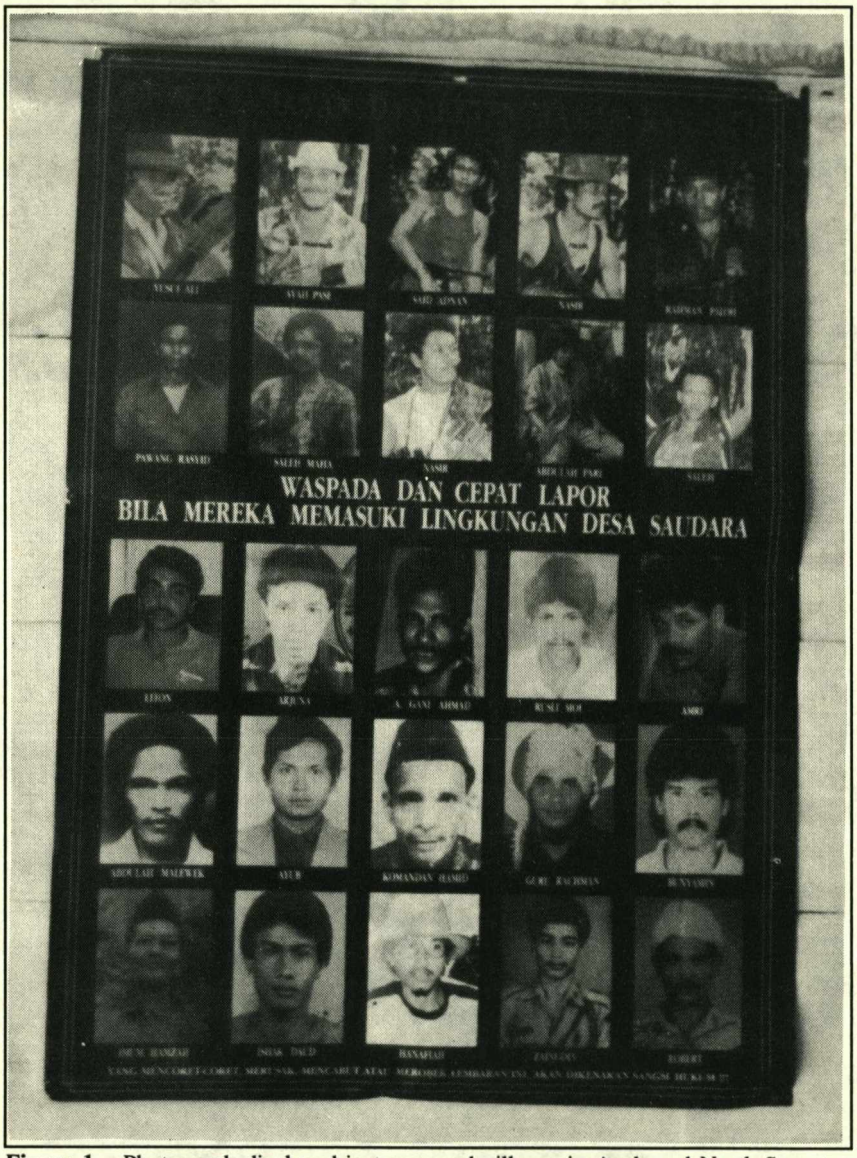

Figure 1 Photograph displayed in towns and villages in Aceh and North Sumatra. The words say: "For the safety and security of the People! Be vigilant and report immediately if any [of these people] enter your neighbourhood".

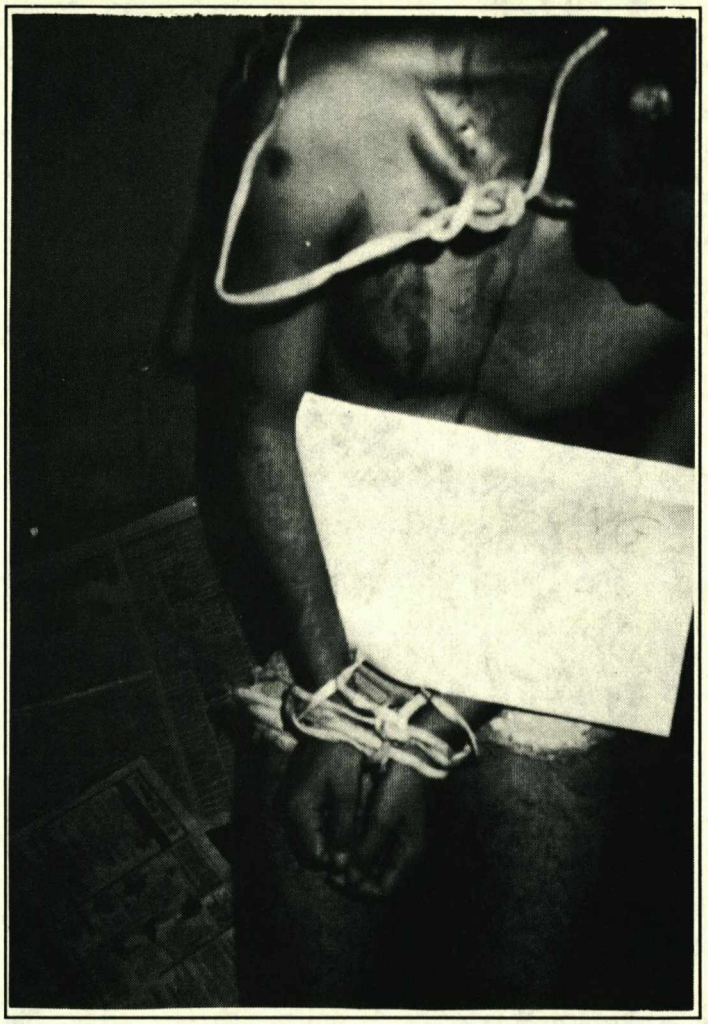

Figure 2 Photograph of a young man reportedly detained and tortured after the November 1991 Santa Cruz massacre in East Timor.

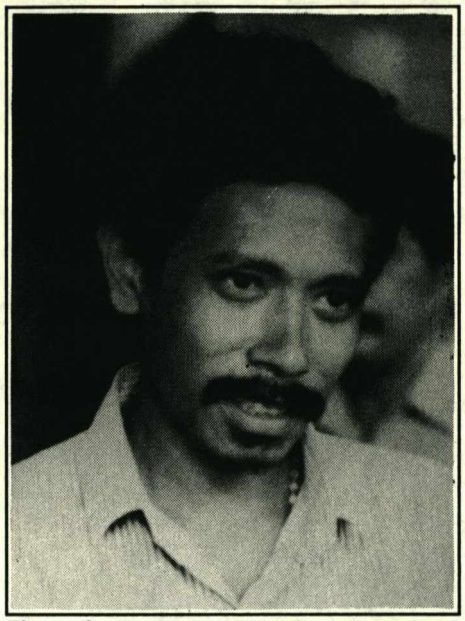

Figure 3 Fernando de Araujo sentenced to 9 years' imprisonment in May 1992 for organizing a march in Jakarta to protest against the Santa Cruz massacre in East Timor.

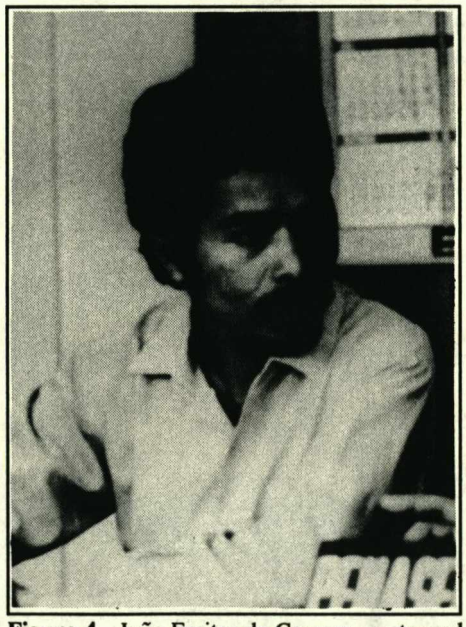

Figure 4 João Freitas da Camara, sentenced to 10 years' imprisonment in May 1992 for organizing the Jakarta protest.

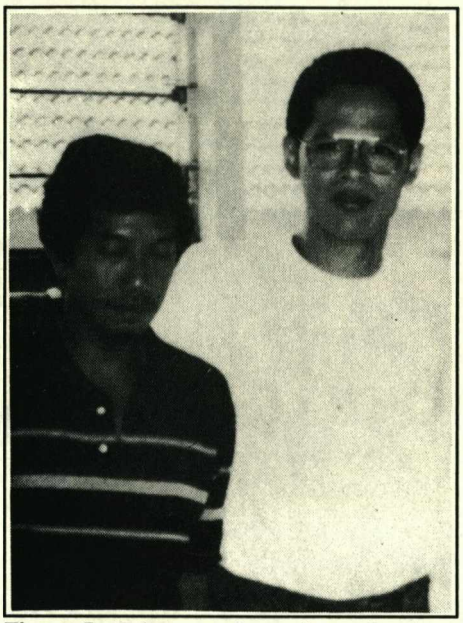

Figure 5 Prisoners of conscience, Bambang Isti Nugroho (left) and Bambang Subono (right), imprisoned in 1989 for circulating banned literature and holding discussion meetings.

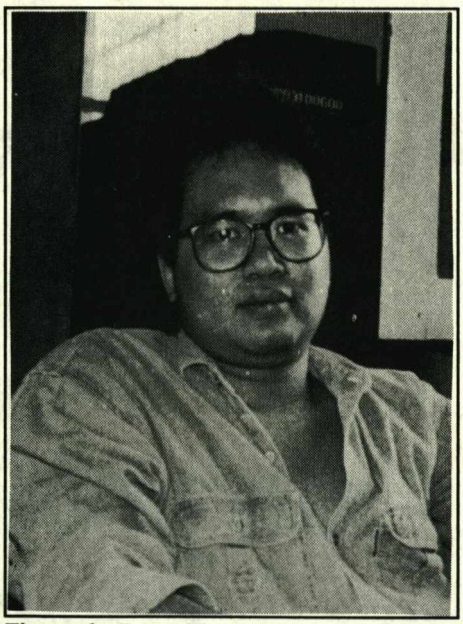

Figure 6 Bonar Tigor Naipospos, sentenced to 8 and a half years' imprisonment in 1990 for distributing literature said to contain communist ideas.

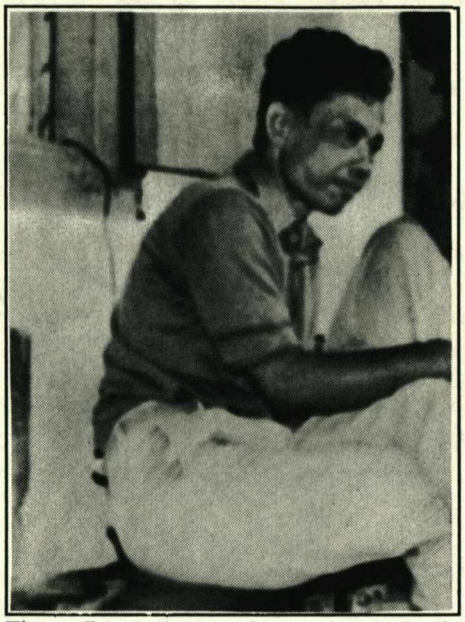

Figure 7 Prisoner of conscience, Pudjo Prasetio. A former trade unionist, imprisoned in 1967. His appeal for presidential clemency was rejected in March 1991.

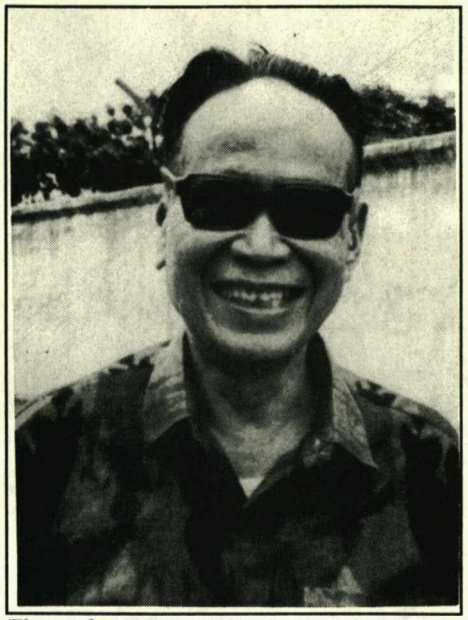

Figure 8 Prisoner of conscience, Dr Subandrio. He was sentenced to death in 1966. He is now serving a life sentence following commutation of the death penalty in December 1980.

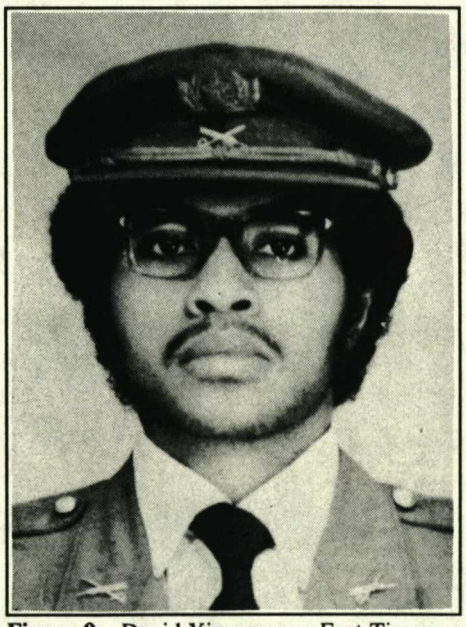

Figure 9 David Ximenes, an East Timorese prisoner of conscience, was released in August 1991 after serving a 15-year prison sentence.